

International Journal of Research in Business & Social Science

5(3), 2016: 121-136



Business & Social Science
IJRBS

Research in Business & Social Science

IJRBS Vol 5 No 3, April Issue ISSN: 2147-4478

Contents available at www.ssbfn.net.com/ojs

Doi: 10.20525/ijrbs.v5i3.246

Crisis of Legitimacy in Palestine

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Abstract

Palestinian society is geographically separated and politically fragmented. This is attributed to partisan affiliation and alignment, absence of conceptual and professional framework of civil society, unethical approach of Palestinian political leaders, and unconstitutional political institutions. Such polarization and division have created political antagonism within elites and between factions. The broad objective of this research is to investigate the legitimacy crisis in Palestine, the current political dilemma in the Palestinian Authority, and the public response to the situation. The research introduces direct and thorough understanding of the developing political context surrounding these issues; taking into consideration that growing deficit in legitimacy could create potentially dire consequences, particularly if present trends on the ground continue. The research promotes an analytical perspective based on legitimacy theory and exploring recent public opinion polls.

Key words: *Legitimacy, Palestine, Palestinian Authority, Election*

JEL classification: *Z18, K33*

Introduction

Palestinian political institutions have perpetuated democratic deficiency and created a prestigious ranking status for leaders who are involved in this business, benefiting from donors' money at the expense of the Palestinian people, who have suffered tremendously as a result. The Palestinian political movements are able to argue and debate the social and political needs of the society but could not deliver basic necessities to the population.

The Palestinian Liberation Organization (PLO) has represented the Palestinians for the past five decades lacking basic standards of legitimacy. Soon after, the Palestinians Authority (PA) was born out of disagreement and has produced partisan politics with a working deficiency of democracy. The PA has been

functioning as a *de-facto government*, violating Palestinian Basic Law (transitional constitution). General Elections took place twice since the establishment of the Authority in 1994.

This research examines briefly the concept of legitimacy by providing different analyses. It investigates the legitimacy of current Palestinian political institutions and discusses the political division and democracy deficiency that have negatively affected the fabric of Palestinian society. This paper explores the legitimacy of the Palestinian Authority since its inauguration, it reviews the political transformation in Palestine before and after the death of Yassir Arafat, and underlines the current political dilemmas. The research concludes by examining the legitimacy crisis in Palestine which asserts an international responsibility to help find possible solutions and proposals for the Palestinian people as legitimacy crisis is a definite catalyst to its people.

Legitimacy of the Palestinian Authority

Political legitimacy entails ambiguity which leads to confusion. Stillman (1974) examined the concept of legitimacy. He suggests that political theorists must evaluate the theories and practice of legitimacy in accordance with contemporary societal norms and principles. Stillman suggests a tentative definition of legitimacy: "A government is legitimate if and only the results of governmental output are compatible with the value pattern of society". According to Stillman, the government output is reflected upon results not intention. The result must be compatible with, but not limited to, four levels of system: international system, the society, groups within the society, and the individuals within the society. However, what is deemed compatible cannot be subjective. The compatibility that Stillman is referring to must be intertwined with the value pattern to existing systems and the results of the government output. Otherwise, the authority will be illegitimate.

Alan Buchanan (July 2002) suggests that political legitimacy, political authority, and authoritativeness must be distinguished because in definition and practice they are different. According to Buchanan, the definition of political power is ostensibly over-inclusive because it can justify military occupation. Therefore, he suggests that political power must be redefined to be morally justifiable. Buchanan refers society to an entity, arguing that each entity has political authority if it holds political legitimacy and the people that live within this entity comply with its rules. Furthermore, the government plays a key role in a society in which they have the right to be obeyed by their subjects. To use a realist understanding, citizens have an obligation to obey as long as it is under jurisdiction. Buchanan expands the argument to examine the consent theory. He argues that although this theory supports aspects of his argument, in practice it is non-existent as this theory is a utopian perception (Buchanan, 2002).

Buchanan (2003) makes a compelling argument however that legitimacy is more fundamental than authority. First legitimacy must be established and then authority follows. The former is essential to create the latter concept. He takes a different approach that challenges theorists and defines legitimacy of political authority as a moral issue. He argues that the civil state must be legitimate. His moralized conception of this element is that political entities cannot be established through illegitimate power. Buchanan argues if there is no democratic accountability and protection of basic human rights, then the authority is illegitimate.

The Palestinian Authority

The declaration of independence proclaimed by the PLO on November 15th 1988 in Algiers seemingly marked a day for ultimate change and progress for the Palestinian people after several decades of brutal occupation and unrelenting injustice. A day that gave an impetus for the Palestinians, that their land which has been wrested from them will be retrieved through great leadership of the PLO. Though, it was not elected and does not include all Palestinian political movements, the PLO was seen by most Palestinians a representation of its people at an international level.

The PLO sought to resolve the Israeli-Palestinian conflict through peaceful negotiations. While a plethora of negotiation and peace conferences were taking place more illegal Israeli settlements were built on Palestinian land, an unreasonable count of Palestinians were detained, stringent laws were enforced, and more Palestinians were forced to leave the territories and flee to neighboring countries.

The Oslo Agreement in 1993 established a framework for negotiating Interim Self-Administration for Palestinians and redeployment of Israeli troops from areas in occupied Palestine beginning with the Gaza Strip, Jericho and extended to the rest of the West Bank. If the process continued, it would have led to a federation or confederation between Jordan and the Palestinians or perhaps to a Palestinian state (Steinberg, 1994).

Unequal balance of power and far from the bases of international legitimacy and justice, the Israeli government persuaded the PLO, politically and financially, to engage in direct bilateral relationship, where Israel has the upper hand. Despite the peace objectives the PLO initially had on their agendas, the reality of the Palestinians remained bleak and as the years past their circumstances worsened showing counter-productivity. The Palestinian Authority was established in 1994 to become the alternative to the PLO, which had its institutions marginalised to give effect and to strengthen the institutions of the PA.

Political and military leadership of the PLO formed the basic infrastructure of the PA and its security forces (Abu-Libdeh, 2002). The PA began working through its institutions as an autonomous authority in Gaza and the West Bank. Meanwhile, administrative authorities were transferred to this Authority to develop an administrative system and to deliver public services to the Palestinian people, especially in the areas of health, education and the judiciary (Frisch & Hofnung, 1997). The peace agreements allowed the PA to assume management responsibility for the areas under its control. However, this authority tried to appear as a state.

Palestinian Views

The PLO considered the signing of the agreement as a new era of peaceful coexistence, free from violence and all acts of danger (Dajani, 1994) despite the limited autonomy which had brought about the failure of the Washington talks (Rabbani, 2001). Kimmerling (1997) felt that Arafat and other supporters of the agreement relied mainly on the middle class people in the West Bank and the personal loyalty of Fatah military units and security forces that were brought from exile. Most support came from the Israeli Arabs, who desired reconciliation between their people (the Palestinians) and their state (Israel) (Kimmerling, 1997).

Despite the complication of the Oslo Agreement and the erosion of its validity because of the non-implementation of its provisions, the Palestinians thought that the Agreement would lead to the creation of an independent Palestinian state. However, the establishment of the state was postponed for the final stage of negotiations (Bar-On, 2000).

A seemingly high percentage of the Palestinian population supported the Oslo Agreements and the performance of the Palestinian Authority according to the Jerusalem Media & Communication Centre (JMCC) Public Opinion Polls from 1994 until 1999. Despite the negative images of the peace process, the Palestinians were still in support of it during the period of 1993-1996 although they might be disillusioned with the results and remained apprehensive of the future. A poll that was conducted in August/September 1995 by the PSR showed that Palestinians overwhelmingly supported a democratic political system, freedom for the press, the right of opposition, and the right of women in political participation. Meanwhile, they strongly agreed that the Palestinian leaders must be obeyed because they were more knowledgeable about public interests that would improve economic conditions and result in achieving democracy (Shikaki, 1996).

This is a value pattern for the concept of legitimacy viewed by Stillman (1974), where the priorities and standards developed by the people for the people within a particular society. The values are congruent to the culture of the society. What is valued in a society by the people is legitimate. However, what is the applicable and deemed legitimate to one society may not be legitimate to another. The question of legitimacy is not the same for all existing governments (Stillman, 1974).

Authority without Authority

The weakening of the Palestinian Authority after the delay in implementing the peace process and the impact of rising unemployment, economic stagnation, political violence as well as Israeli closure, shifted the

international donor fund from strengthening Palestinian civil society in building the capacity of central government. Resources, therefore, went to Palestinian Authority institutions, bureaucracy, and security services. This shift essentially weakened the civil society. The Palestinian Authority's policy also aimed at strengthening central control. "The Palestinian Authority's anti-democratic trend went beyond the constraints of the peace process and the requirements of national reconstruction" (Shikaki, 2000: 8).

Corruption is at the heart of ethical problems in the context of this research. Corruption is pervasive in all societies at various levels of the service, in both past and present. According to Shikaki (2002), it was an Israeli conception of creating a corrupted Palestinian authority. This system created powerful incentives for incompetent leaders of the PA while simultaneously allowing the Israeli government to gain power over the Palestinians. Israel was also interested in fostering a Palestinian leadership that would negotiate the final-status terms. As a result, Israel had a direct role in fostering corruption and mismanagement in the early days of the Palestinian Authority. Palestinians were given limited autonomy but no sovereignty in parts of the West Bank and Gaza Strip (Shikaki, 2002). Rabbani & Roy (2002: 90) said: "The Oslo process and the establishment of the Palestinian Authority did little to reform the domestic Palestinian political order or reinstate a political process or consensus. To the contrary, the emergence of an authoritarian state and autocratic system that actively opposed any challenge to its rule marked the end of any viable political dialectic at the popular level. Thus, Palestinian politics during this period no longer were characterised by ideologies competing for dominance but by the lack of any political ideology whatsoever, let alone one that was shared." Andoni (2001: 211) concurs: "The Oslo agreements had led to the instalment of the Palestinian Authority as a corrupt, one-party leadership; this lack of democracy cast a malaise over Palestinian society and politics."

Legitimacy Debate

Many intellectual Palestinians have called for an end to the corruption of the Palestinian Authority urging democratisation. Yet, a small number of Palestinian scholars did criticise Arafat. Various human rights activists had commented on the lawlessness and corruption. Said (1998) expressed his views as follows: "Those of us who have fought for Palestinian self-determination over the years have been bitterly disappointed in the behaviour of Yassir Arafat's Palestinian Authority towards its own citizens" (Said, 1998). However, political reform of the Palestinian Authority fell on deaf Palestinian ears in the absence of a meaningful political process. Voices were raised by politicians from around the world for reform of the Palestinian Authority (Rabbani & Roy, 2002). Abu-Libdeh (2002) believes that "years of corruption practices within Palestinian society and government have created a distorted concept of good citizenry and any reforms must address this central problem. The Palestinian people should view reform as the most appropriate means of empowering themselves, ensuring their personal security, and improving their standard of living, not as a response to extremely imposed conditions and pressures."

Although democracy may ostensibly be a solution to this "legitimacy deficit," the PA will not comply with its principles and would resist democratization of public institutions. According to Fabienne Peter (2010), "There are two considerations that tend to underlie the cautious attitude. One is feasibility: it is often argued that democracy at the international level, let alone at the level of global governance institutions, is utopian and cannot be realized. The second consideration is of a moral nature: that democracy should not be imposed on people and peoples who endorse a different set of values" (Peter, 2010). People are forced to believe in the idea that society must comply with the government. Buchanan (2002) challenged this idea by examining whether enforcing power, albeit government or state, is morally justified, especially where the government does not present legitimate reasons to impose rules on its society (Buchanan, 2002).

Buchanan (2002) questioned the applicability of democracy to all political entities as a resolution to the legitimate deficiencies embedded in their political agendas and institutions. Establishing an institution based on democratic principles may not be applicable or feasible for all states. In addition, the idea that political legitimacy can be achieved through democratic institutions may be conflicting for entities that find such values illegitimate. Some theorists believe that political decisions may be legitimate but not just. This supports the idea of justifiable power coercion. As long as the needs are met, despite its unjust nature, the decision is legitimate.

This study formulates a constructive analysis of the failure of the Palestinian political institutions at the leadership level to meet the basic expectations of the Palestinian people and the unproductive methodology of hampering the implementation of the Basic Law concerning the Palestinian political system. It reviews the empirical dilemmas of the Palestinian Authority and eliminates several assumptions of Fatah and Hamas's - main parties - political and domestic priorities. The possibility of a new Palestinian political phenomena emerging is in the context of a new popular mobilisation lessened by the fact that both movements (Fatah and Hamas) are firmly enmeshed in the very fabric of Palestinian society through patronage networks.

Multi-methods/triangulation is the appropriate research method to use in social science. Triangulation is a powerful solution to the problem of intrinsic bias that comes from a single data source or method, which is undermining the validity and credibility of findings because of the weaknesses of any single method. Thus, triangulation has strategies for reducing systematic bias in the data.

An academic investigation of this research is approached using a methodological technique based on primary and secondary research methods. Primary research methods are generated achieved by asking questions, conducting trials and collating results. This research is using a scientific qualitative approach, which is concerned with opinions and feelings using interviews and participant observation. Secondary research methods are based on the findings from other researches from books, reports, academic journals, or the Internet.

Political Transformation

Al-Aqsa Intifada

The Al-Aqsa Intifada in 2000 was born through a collision between two national wills: on the one hand, it was an Israeli-determined peace process, whose security became experienced by the Palestinian people as a new form of colonial dispossession through Israel's settlement policy. On the other, it was a collective understanding of the younger Palestinian generation of the mounting sense of Palestinian distress (Usher, 2003). Life was severely circumscribed by roadblocks and checkpoints, making movement difficult. The Palestinian borders, airspace, trade, and key resources were controlled by Israeli troops, and none of these expected to be changed in the foreseeable future. Some of the Palestinian Intifada was directed against the Palestinian Authority. Roy (2001) blamed both the occupation authorities and the Palestinian Authority. She writes: "The political and economic vacuum created by the Oslo process, filled during the Oslo years by growing restrictions, widening corruption, and growing bureaucratisation, has since been filled by violence and uncertainty" (Roy, 2001:14).

There was open corruption in the Palestinian Authority, which had been beset by charges of patronage, nepotism, and corruption. The corruption of the PA was the most excessive result from the legal vacuum created by the occupation and from the absence of institutional counterweights to the Palestinian Authority in all domains. This situation led to Palestinian sympathy for the opposition groups, particularly Hamas, because of its religious values or political stance. Accordingly, Yassir Arafat, the Head of the Palestinian Authority, tried to bring Hamas into the political competition and to create reconciliation with its leaders. Arafat used a 'Stick and Carrot' policy with the Islamists. He tried to open dialogue with the Hamas political leadership to participate in the political process, while vigorously combating its military wing (Isseroff, 2002). On the nationalist front, Fatah cadres felt excluded from the Palestinian Authority's leadership. They responded by strengthening their base, the Tanzim (Organisation), an active grassroots grouping of Fateh in cities, towns, and refugee camps. They were in support of the peace process, but sceptical of Israel's willingness to compromise (Rubin, 2000).

Post-Arafatism

The former Israeli Premier, Ariel Sharon, warned that he would not discuss a Palestinian state without real reform, which would involve the removal of the Chairman in the Palestinian Authority, Yassir Arafat, who the Israelis believed was behind the 'terrorist campaign' since September 2000 (Horrock, 2002). President Bush said: "I have been disappointed in Chairman Arafat. I think he has let the Palestinian people down. I think he had an opportunity to lead to peace and he has not done so." He added, "The Palestinians need to

develop a constitution, rule of law, and transparency. They have to have a treasury that is able to battle corruption as that not only do the Israeli people have confidence in the Authority, but so do the Palestinian people” (Horrock, 2002).

In September 2002, a newly rebellious Palestinian Legislative Council (PLC), held a meeting in Ramallah to refuse the ratification of the Palestinian Executive Cabinet. That gave a clear signal of its intention to force Arafat to dismiss his entire cabinet amid charges of corruption, incompetence, and dictatorial rule. Legislators suggested that executive authority would soon be vested in a Prime Minister (Zelnick, 2003). Instead, Arafat agreed to elections in January 2003 despite the continuation of the occupation (Isseroff, 2002). Arafat's attempts at reform were not the sort of reform to which the Palestinian Legislative Council had aspired. Meaningful reform at the very least had hoped to see evidence of one of the most fundamental elements of reform: accountability.

Yassir Arafat was deeply rooted in his loyalty and determination in the importance of Palestinian struggle under brutal occupation. His unrelenting defense of the nationalist cause made him a compelling character. With his charismatic personality, he was largely favored by many Palestinians making him the ultimate leader of the PLO. He represented the nation of Palestine. Early organizations that challenged the occupation shared one commonality: nationalism and Palestinian statehood. They gained legitimacy through similar ideologies and faith. The Palestinian political system began to develop, presenting a significant expression of Palestinian struggle to the rest of world (Pearlman, 2007).

However, Arafat was incapable in keeping promises to achieve Palestinian national rights. Besides charisma, he used corruption to keep his place as a leader although it was evident that Palestinian's fate was deteriorating. Their status as a people became incredibly challenging for them as more illegal settlements were enforced and Israeli militarization became stronger. As a result of this, Palestinians reluctantly conformed to the changes of their political, economic, and social stature. The Palestinian political system, led by Arafat, began to fail paving the way for other organizations to take his place. The system that was initially established was proved ephemeral because the political authority put in place was based solely on charismatic legitimacy.

Corruption thrived taking a huge toll on the fate of the Palestinian people. With the choice of the U.S. and the reluctance of Yassir Arafat, Mahmoud Abbas was appointed in 2003 as the first Palestinian Prime Minister after a constitutional amendment creating a hybrid Palestinian political system. It is important to keep in mind that Arafat and his followers disliked Abbas. He did not gain popularity by his people forcing him to over-compensate. Abbas attempted to gain prestige and charisma like his counterpart, Arafat. Instead, he was further ostracized and rendered weak because he too gave the people empty promises. During his few months as a premier, Palestinians suffered the loss of their beloved religious leaders, a great number of detained activists, and expansion of illegal settlements. As a result of poor leadership, Abbas resigned.

Following the death of Arafat in 2004 and the non-existence of strong established political institutions, the Palestinians struggled particularly in circumstances applied to political endeavors to institutionalize the PA. Pearlman (2007) described Arafat's leadership as compelling and charismatic. With profound nationalist ideas and likable personality, Arafat was able to lead a nation for almost forty years. The caveat, however, was the political struggle of his successor Mahmood Abbas who took place after the death of Arafat. Pearlman referred to this as post-charisma transition. The shift from a rule exercised by a person's social stature to a different type of leadership becomes inevitably problematic. The successor must live up to the standards of his former leader and fulfill the expectations of the people (Pearlman, 2007).

The concept of charismatic leadership is irrelevant as a framework for the post-Arafat leadership. The element of charisma in Arafat's leadership of the national movement does not apply to Mahmoud Abbas, who succeeded Arafat in 2005 presidential election. Abbas wanted to compensate this legitimacy through established institutions to ensure stability of his current presidency. Little was he aware that this reaped greater challenges for him and his political party.

According to Weber, any political authority ruled not by democratic values or coercion are ruled by the three concepts of pure legitimacy: (1) Rational-legal legitimacy- this is on the basis of specific objectives, (2) traditional legitimacy- this is on the basis of legacy, and (3) charismatic legitimacy- faith of the individual that must be incredibly compelling. Charismatic legitimacy comes with a plethora of issues for its successor because he must possess the criteria of charisma. More often than not, they are not possessed.

Unable to gain support through virtues of charisma, Abbas resorted to devising plans in alleviating the issues Palestinians faced. Through relentless negotiations with Israel, only minor concessions were made. As violence and frustrations increased, more corruption took place. Abbas did not have much control. As a result, he decided to change the system from charisma to institution. This did not gain much support for the new President. The efficacy of his leadership was questioned from the very beginning. He was not able to fulfill any promises of achieving Palestinian statehood. Palestinians needed a source of progress and strength to overcome the struggles and trials faced. Abbas was not deemed as that source and thus his support by the people was limited (Pearlman, 2007).

The Rise of Hamas

The Al-Aqsa Intifada in 2000 and the demise of the PA increased Palestinians' support to the Islamic Resistance Movement (Hamas), which was trying to strengthen social order and family structure in the Palestinian self-ruled areas. The electoral votes of 2006 revealed that the majority of the people supported Hamas (60.6% of the seats in the Legislative Council). Hamas succeeded because it addressed issues like poverty and unemployment and they provided a civic alternative to the corrupt Palestinian Authority. Hamas established the tenth Palestinian Government in 2006 and created a distinct social service programme and disciplinary within its ranks. Subsequent to Hamas victory in the election and the formation of the Palestinian Government by Hamas Movement, political and economic sanctions were imposed against this government causing uncertainty within Palestinian society concerning their political future and safety. This is because the Palestinian Authority, since its establishment in 1994, is entirely dependant on international financial aid (MIFTAH, 2006).

Consequently, systematic methods were applied to politically isolate Hamas and to boycott its government by most countries in the world. The Israeli military abducted and imprisoned most Ministers and Members of Parliament from Hamas movement in the West Bank in order to debilitate the legislative process. This action led to a political separation between the main Palestinian political movements, Fatah and Hamas, and thus division within Palestinian society (Brown, 2010). Palestinian political legitimacy was changed from Arafat's charismatic leadership to Abbas's leadership. This would create a tumultuous future for the Palestinian people. When legitimacy through legalism and rationalism is not adhered to, peace and stability will cease to exist (Pearlman, 2007).

Although Abbas believed that negotiating with Hamas would offer some leverage to stabilize his power while gaining more support, it caused greater tensions within the political parties let alone Israel, U.S. and the European Union. Hamas refused to make concessions for Israel. Thus, they deliberately placed economic sanctions on the Palestinian people. Although Hamas was voted democratically, nations did not support its party and leadership. The post-charisma transition of the political authority by Palestinians led to a more precariously fragmented system. A president, Abbas, was put in place that neither the former leader nor the people favored. Despite his efforts to achieve national peace, his uncharismatic leadership was the biggest catalyst to his presidential failure and ineffectiveness.

Gaza Government (GG) & Ramallah Government (RG)

Clashes broke out between Hamas and Fatah movements, especially with those involved in the security forces refusing to deal with the new Hamas-led government. Confrontation and armed clashes led on June 14th 2007 to Hamas taking over the entire Gaza Strip. Consequently, the Chairman of the PA dismissed this government, which still operates as a caretaker government, shortly was called Gaza Government (GG) while another government was established in the West Bank, which was called Ramallah Government (RG) that was working without the confidence of the Legislative Council.

Disastrous long-term implications for the public institutions followed the events of June 14th 2007, as employees of the Palestinian Authority went on strike. The first group to strike was the security forces in Gaza Strip. Almost 95% of security and police officers in Gaza went on a general strike refusing to serve in police stations. The officers feared that their salaries and pensions, which they received from the PA, would be terminated (Al-Mughanni, 2009). Thus, Hamas had to come up with a new security apparatus to keep control of the security in the Strip. The GG began employing security and police officers according to its legal mandate and to appoint new employees for public services to fill the void of the former employees who refused to work with it.

The GG subsequently appointed a new acting Attorney General and new public prosecutors replacing those on strike. Thus, the appointed were, according to the new Attorney General Ismail Jaber, constitutional. He said, "My obligation was to restructure the public prosecution department in coordination with the Ministry of Justice. I struggled for three months to persuade judges to deal with the prosecution department. Regrettably, almost all the employees in the judiciary sector declined my orders, especially in criminal cases because they reject the legitimacy of the Hamas Government" (Jaber, 2009). The former Attorney General, Ahmad al-Mughanni, moved to Ramallah and was acting for the RG.

The PLC Legal Commission facilitated the work of the judiciary sector. Its recommendations constitute an integrated part of the jurisdiction work. The function of the PLC has been obstructed by various Israeli military actions, including detaining scores of its delegates as well as physically destroying the PLC building in Gaza. By targeting such institutions, Israel ostensibly sought to hamper the legislative and judicial processes among the Palestinians. Responding to this problem, the PLC in Gaza established a system making it possible to ratify PLC decisions via telephone conversations and signed by the PLC Deputy Chairman in Gaza on behalf of the Chairman who is located in the West Bank (Al-Madhoun, 2009).

The RG disputed such legislative amendments as they are considered unconstitutional. Ziad Abu Amr, an independent PLC member from Gaza who has cooperated with Hamas in the past, emphasized that "any legislation has to be signed by the president in order to become valid jurisdiction. As long as the PLC is not functioning, it is the president's mandate that amounts the power of legislation. Article 43 in the Basic Law says that if the council is unable to work, the president has the power to rule by decrees until the PLC can ratify it. When the PLC meets again, they will review all the decrees by the president" (Abu Amr, 2009). Yet, according to the Director General of the PLC, constitutional validity is the responsibility of the Constitutional Court (does not physically exist, except in name) to make a decision in line with the Basic law and its contextual provisions (Al-Madhoun (2009).

Political Dilemmas

Situation on the Ground

While ending the Israeli occupation remains the primary issue for most Palestinians, a growing concern is the incompetence of the PA. Party polarization has grown since Hamas's victory in democratic national elections. With Hamas in control of the Gaza Strip, Fatah is governing the West Bank. They cracked down on citizens, repressing freedom of speech and protests. Hamas, who singled out in the West Bank by the PA, were often subjecting supporters to arrests. The Ramallah Government has faced increased criticism from within the territory and outside because of its harsh human right abuses including torture and detention without trial (Black & Milne, 2011).

Significant concerns in the Gaza Strip and the West Bank are due to ineffective governance and continuing fraudulence. A system of patrimonialism and partisan created an organization that was on the surface as modern and fair but emphasized the value of connections over constitutionalism (Brynen, 1995). Youth, who are not politically affiliated, are excluded and disadvantaged by the political institutions and from embarking upon governmental political programs to engage in public life. They are marginalized not because they choose to separate themselves from mainstream society or because they choose to participate in alternative lifestyles and subcultures but rather they have a forced choice, motivated by fear of extrajudicial arbitrary security system based on partisan of discrimination. They represent large sector of

the whole Palestinian population. Their participation in public institutions is limited. They rarely participate in public life because political leaders have completely seized power and decision-making process.

The PA positions are unfairly filled, “neglected instituting law and principles of good governance and bypassed the Palestinian – Legislative- Council and judicial system whenever possible” (Jarbawi & Pearlman, 2007). Corruption has also extended to the misuse of international funds (Ramahi, 2013). The Palestinian society has been economically disadvantaged. Poverty has contributed in perpetuating the suffering of the Palestinians. Poverty has impaired the ability to participate in politics, political education, and cultural activities. It has affected networking opportunities and thus the future generations of their inclusion or exclusion in political society.

The crisis of leadership in Palestine made it lag behind other countries. Political polarisation and division have created political antagonism within elites and between factions, leading to economic degradation and absence of civil society in its conceptual and professional framework. The Palestinian “*political system*” is a problematic issue in itself. The absence of independent professionals, youth disengagement in public life and decision-making process, and the engagement of civil society NGOs is serving political factions have added to political fragmentation and increasing division within society, creating democratic deficiency. Other young Palestinians have been used by political factions to serve as tools to perpetuate political partisan. The Palestinian Authority has been able to argue and debate the needs of the society but could not deliver basic necessities to a living standard for the population.

The lack of accountability of the Palestinian Authority and its non-responsive measures has hindered qualified and professional Palestinian engagement in the decision-making process. Many have been politically marginalized at institutional level. The Palestinian Authority adopted low standard policy on issues of political society autonomy, free and inclusive electoral contestation, full political rights and legal guarantees, professional norms and autonomy of state apparatus, and monopoly over use of legitimate force. It adopted poor standard policy on civil society autonomy, freedom of association and communication, respect for civil liberty, rule of law and constitutionalism, economic society with a degree of market autonomy and plurality of ownership forms. Meanwhile, “civil society”, has perpetuated democratic deficiency and created a prestigious ranking status for leaders who are involved in this business, benefiting from donors’ money at the expense of the Palestinian people. Most NGOs are serving political partisan and adopting discriminatory approach with local communities when delivering public services.

Lack of an Independent Palestinian State

The Palestinian apprehension, lack of human rights, and democracy deficiency were established by the Israeli occupation of Palestine which perpetuated the status of statelessness. Both the occupation and the lack of an independent Palestinian state are inseparable. The Palestinians have experienced a protracted process of dehumanisation and deprivation of their civil rights. Although, the objectives of international humanitarian law entirely match the situation in Palestine, this branch of international law was never implemented neither by the international actors nor by the regional players, exposing the Palestinians to further violations (Gordon & others, 2003). In addition, the Palestinian Authority proved that it cannot protect the Palestinians. It has been demonstrated that the PA is the problem, not the solution. This inequitable situation led to complete dissatisfaction and frustration towards the PA.

In order to improve levels of security and stability, the Palestinians resorted to the PA as a de-facto government to defend them from a foreign invasion and injury to one another, in other words ‘societal threat.’ The stability of the PA is not only derived from its centralising power, but also from the understanding by its citizens that a threat comes from the government. However, this is a lesser threat than those which would be raised in its absence (the lesser of two evils). The neorealist conception draws an analogy between security and citizenship, that security comes from being a citizen, and insecurity comes from citizens of other states. Hence, statelessness is one of the most insecure conditions of modern life. The most practical example is the Palestinian one (Krause & others, 1997).

The key to existential Palestinian security and stability is statehood. Common interests for all Palestinians are the economy, employment, water distribution, ecology, human rights, foreign relations, etc.

Furthermore, the social struggle for equal rights, equal citizenship, plurality and equal legitimacy within a single state. Nevertheless, once an independent Palestinian state is established it would face two distinct levels of threat externally and internally.

Externally, Israel affirmed that the most Palestinians could get was a truncated state without sovereignty, without borders, without territorial contiguity, without return for the Palestinian refugees, and without Jerusalem (Aruri, 2001). Avnery (1999), an Israeli Jew, believes that the 'imbalance of power' between the Palestinians and Israel will not disappear as if by magic, but it will get smaller. He said: "The creation of the state will not be the end of the struggle, but the beginning of a new chapter of the struggle. The state is not the solution, but the means for achieving the solution" (Avnery, 1999: 56). Internally, a Palestinian state must be able to deal with security challenges that could emanate from various sources, including Israeli military domination, the possibility of intra-Palestinian violence, and the vulnerability of Palestinian society. The establishment of a Palestinian state is impossible as the Palestinian division has left the West Bank and Gaza Strip, divided into little parts without territorial continuity or sovereignty.

The Impasse

The main causes fuelling the crisis of legitimacy facing the Palestinian leadership are many and varied. Some involve hard, though important, lessons for the Palestinian leadership: a loss of political credibility, failure of leadership, lack of clear strategy, and political exclusion of the Palestinian youth and professionals. In addition, the widening disconnect that exists between the Palestinian leadership and key Palestinian constituencies living both inside and outside Palestine contributes to a legitimacy crisis (Kouttab & Toaldo, 2013).

Deficiencies embedded in the Palestinian political agenda leading to the political crisis in Palestine necessitate a new kind of thinking about Palestinian institutions if the current impasse is to be resolved. These deficiencies are created by the vacillation of Palestinian leaders of the past and present. There is a lack of a coherent political objective for the Palestinian people – an objective that should allow the Palestinians the right to self-determination. The mere fact that the Palestinian people are debilitated politically and their prerogatives have been appropriated due to inadequate leaders is an issue that must be challenged. However, we cannot trivialize the fact that since the establishment of Israel the Palestinians have been politically and culturally vulnerable. They are subjected to depredations and social instability. An effective independent government will cease to exist under any functioning occupation. Thus any emancipatory endeavors by the Palestinian people will be defeated.

The impasse cannot be counteracted simply by converging the factions together and obtaining a unanimous objective because Palestinians do not have an independent government and they do not have the right to self-determination. This convergence will be perceived as a threat to Israel and therefore any attempt will be countered immediately.

One point to examine and certainly not dismiss is the impact the PLO had on their people when it was first developed. The PLO gave an impetus to the Palestinians promising the preservation of Palestinian identity. Its initial objective was to unify the people under one national name irrespective of religious background. It is argued that the establishment of the PLO gave people hope for freedom and repatriation for those who were dispossessed. The responsibility of the PLO was certainly paramount until the Oslo Agreement was signed in 1993. The aftermath of the Oslo Agreements resulted in the loss of credibility and respect of its leaders. The failures of it reaped greater disasters for the Palestinian people. They lacked legitimacy because their objectives for peace were weak. Peace and legitimacy cannot be achieved if these factions are secretly discussing the fate of Palestinian people. It is incredibly complex to resolve the impasse. The existing factions in Palestine do not serve as a functional system for their people. In fact, it is a hindrance to any future effective peace plans (Kouttab & Toaldo, 2013).

The entity that exercises legitimate power are obligated to protect the basic human rights of its people through process and actions that exemplifies the protection of human rights and does not assume power by taking over another legitimate power (Pearlman, 2007). A coherent and systematic agenda must be devised not just by the Palestinian leaders of the factions but also by their neighboring countries. Although

Arab leaders express their discontent of the occupation their actions demonstrate otherwise. The political and economic support of Arab leaders will strengthen the status of Palestinians and help resolve the issues. The marginalization of Palestinians by other Arab nations ultimately prolongs the crisis of legitimacy in Palestine. The leaders within the factions are incompetent with indecisive goals. Therefore, Palestine is in dire need of other national support and assistance (Brown, 2010).

Legitimacy in Palestine

Eroded Legitimacy

Academic debates are ongoing over the legitimacy of the Palestinian Authority, both in Gaza and the West Bank, as an exceptional body where its institutions are components of a state. However, it derives its real power from its relationship with the Israeli government, where power was obtained through a political settlement. That is, the PA was entrusted with the responsibility of establishing state institutions on the basis of peace agreements signed with Israel. Therefore, the PA did not reflect the ambition and desire to be the nucleus of Palestinian state, but the secretion of peace agreements aimed to transform the Palestinian armed resistance to a political power bound by international commitments.

The Palestinian leaders are incapable and misunderstood Palestinians' needs and necessities. The PA adopted reform measures, but remained within a theoretical structure. The Palestinians have not achieved security and did not achieve their hopes in the presence of this Authority. The PA is not a viable partner to help alleviate the issues for the Palestinians. The rhetoric concerning the Palestinian struggle to self-determination and liberation has been ambiguous and tentative to make any effective changes. The promises made by the PLO and later by the PA are nothing but words and actions that were not taken place. In fact, these negotiations produced nothing but political, social, and economic regression for the Palestinian people. There has not been any meaningful change and this harsh reality remains the same today. This consequently has deteriorated the legitimacy of the PA and raised questions about the feasibility of the continuing functioning of this Authority. Thus, the PLO and the PA must be reassessed in their legitimacy because although it has seemingly been a part of the peace process, it is no longer a viable asset.

The Palestinians felt burdened by high rates of poverty and unemployment and felt unrepresented by the main political parties. Recently, several Palestinian youth movements have been formed, mostly inspired by the ongoing popular protests in the Arab world. In March 2011, 10,000 youth in Gaza City protested for a unified government, criticizing the split between Hamas and Fatah that had divided political institutions. These protests were also coordinated with youth movements in the West Bank, where even more youth turned out. This demonstration was significant because it was unauthorized and against the PA rather than the typical protests against Israeli occupation (Bronner, 2011). Demonstrations were staged by the Palestinian people. Unlike previous years, however, the focus of their anger was not the Israeli occupation, but rather the Palestinian Authority. Protesting against the rising cost of living and unpaid PA salaries, the list of demands made by demonstrators quickly cascaded from the resignation of (former) Prime Minister Salam Fayyad, to calling for President Mahmoud Abbas to resign, to demanding that the PLO overturn the Paris Protocol signed with Israel in 1994, and to walk away from the Oslo Agreements (Kouttab & Toaldo, 2013).

A Palestinian Consensus Government was established in June 2014 for six months as a transitional period to prepare for the next national elections and to participate in narrowing the division between Fatah and Hamas. Yet, people are waiting a presidential order to announce the elections' date. It is an essential step to restore legitimacy and to grant popular mandate for the political leadership and thus clearly meeting the people's wishes and aspirations.

Elections

The quality of legitimacy is related to free and fair elections, accountability, and responsiveness. The main issue today is the legitimate representation of the citizens in accordance with the provisions of the Basic Law, which is the social contract that determines the relations between citizens and the PA. The period of presidency and members of the Legislative Council is only four years. However, a generation of Palestinian

youth aged from 18 to 28 has never voted neither in general nor presidential elections because there has been no national election for a decade.

Holding elections in Palestine continues to be a prerequisite for democratic change and legitimacy and a significant solution to the problems of legitimacy facing the Palestinian leadership. Such process has two merits: *first*, it gives Palestinians an opportunity to decide who is accountable to them, and *second*, the reconvening of the Palestinian Legislative Council would help provide much needed oversight regarding the decisions of the Executive Authority and would help reverse the current concentration of power vested in the office of the Chairman of the PA.

Staging successful elections will require international leverage on Israel to allow voting and election campaigning to take place throughout the West Bank and East Jerusalem. Political participation based on forming coalition, Palestinian government could be the solution for the risk of consolidating and prolonging the political status quo that would further exacerbate the existing political divisions, particularly those between Fatah and Hamas. Any elections that fall short of covering the Palestinian self-ruled areas, the West Bank, East Jerusalem, and Gaza in their entirety also threaten to consolidate the Palestinian territorial fragmentation.

Student council elections are incredibly contentious at Palestinian universities. They have become principally important in the previous years because of the lack of general elections on the national level. They are seen as reflections of societal attitudes at large, with many pointing to as indicators of the general change of public opinion towards Palestinian political movements, mainly Fatah and Hamas. Hamas won Birzeit University student council election in April 2015 for the first time since 2007. This victory is seen as significant change in the West Bank's political mood towards the PA (Khoury, 2015). This could be attributed to the Islamist ideology, though it is a strong indicator of discontent with the ruling Fatah movement and the PA. However, this victory should not be seen as a turn to Hamas rule in the West Bank. They will still face the challenges of leading the student council and dealing with the same disillusionment and levels of inter-party coordination that previously existed. They will face the challenges of being under threat by the PA and by the Israeli authorities. Few days after the election, the leader of Hamas Block of the student council was arrested by the PA (The Economist, 2015).

Nonetheless, a survey conducted at the national level in March 2015 by Jerusalem Media & Communication Centre (JMCC) depicts the vote discrepancies from last year to this year: the percentage of voted dropped when asked if they will vote for Hamas from 29% to 22%. However, the number for Fatah supporters remained the same 37.7%. The percentage of voters that said they will not vote for anyone increased from 19.1% to 24.6%.

Public Opinion Polls

Several questionnaires conducted by two different organisations, the Jerusalem Media & Communication Centre¹ and the Palestinian Centre for Policy and Survey (PSR).² Sample distribution was made among students, labourers, housewives, office employees, farmers, unemployed people, from the West Bank and Gaza Strip, in cities, towns, villages and refugee camps, involving males and females of different ages.

According to the Jerusalem Media & Communication Centre, the Palestinian attitude towards reconciliation in March 2013 showed that 90.3% support the reconciliation of Hamas and Fatah even if Israel and U.S. impose sanctions. The majority of the respondents held Hamas accountable for the division of the nation. 30.5% blamed Hamas, 17.8% blamed Fatah, while 18.5% blamed both factions for the division. In another survey in March 2015, the people of Gaza, as oppose to the West Bank, blame Hamas for the division within the PA. 34.3% of people in Gaza blame Hamas, 23.1% blamed Fatah, 17.8% blamed both Fatah and Hamas, while 7.9% blamed Israel.

At leadership level, a survey in April 2014 showed that 20.4% would support Marwan Barghouti (Fatah), for upcoming presidential elections, 10.3% will support Ismail Haniyeh (Hamas), while 47.2% did not respond.

¹ <http://www.jmcc.org/publicpoll/results.html> found on May 30 2015.

² <http://www.pcpsr.org/survey/index.html> found on May 30 2015.

This indicates the lack of satisfaction with the current Chairman of the PA, Mahmoud Abbas, and the frustration of 47.2% of the population who withheld their votes. November 2013 survey showed that the majority supports the PA 61.6%, but 24.3% believe the PA is a setback. However, the Palestinian Centre for Policy and Survey revealed in a survey in April 2015 shows 77% of its respondents believe that corruption thrives within the PA, 56% foresees the faltering of the PA if Israel continues to withhold funds.

The disagreement between Mohammed Dahlan and Mahmoud Abbas (Fatah) revealed that 37.1% sympathized with Abbas, while only 5.4% sympathized with Dahlan, 46.1% sympathized with neither politicians. A survey in March 2015 revealed that 50% of respondents were dissatisfied with Mahmood Abbas's presidential leadership. 26.6% of the people dislike the work done by the Premier of the consensus government, Rami Hamdallah.

The Palestinian Centre for Policy and Survey revealed in a survey in April 2015 that in future Palestinian elections Abbas will get 48% of votes and Haniyeh 47% of votes. In future parliamentary elections, Fatah will get 39% while Hamas 32%. 69% of respondents want the elections to take place in six months.

A survey was conducted in October 2014 after the Gaza War inquiring the support of either Hamas or Fatah. The support of Hamas and its operations to fight against Israel increased before the war 31.5% to after the war 42.7%. According to the poll, the war gained greater support of the Hamas government. Meanwhile, the popularity of Hamas increased from 16.8% to 25.7%. Fatah's loss was a surprise and a reality check that they are losing faith in its party by the people. The failure in reconstructing the Gaza Strip, the survey in March 2015 showed that 43.3% blamed Israel, 16.7% blamed Hamas, while 15.4% blamed the PA. 27.1% of those respondents that blamed Hamas are from Gaza as oppose to the West Bank which is 10.4%

The conclusion of the previous public opinion polls showed conflicting responses and that the Palestinian public are divided by their opinion which are strongly fragile, contradictory, and controversial. The Palestinian society is politically polarised and fragmented. Young people are disillusioned by political participation and affiliation with Palestinian factions. Youth and professionals are experiencing political inequality by preventing them from engaging in decision-making process. Political parties are corrupted. Corrupt officials and partisan leaders will stand against initiatives that aim at raising public awareness, participation, and elections.

Conclusion

Practical experience in Palestine proves that the Israeli government is still managing the political scene and controlling the Palestinian people, primarily in the West Bank, and more easily and cheaply through dependence on the PA in implementing the security protocols. Under the Israeli occupation, any emancipatory endeavors will be defeated quickly, and any political agendas in favor of Palestinians will be negated and as a result their existence will be denied.

The legitimacy crisis will remain to be an issue in Palestine as long as the current political factions and self-aggrandizing leaders are put in place. Moreover, the national rights of Palestinians will continue to be challenged which further subordinates them to Israeli domination. The lack of legitimacy has failed to achieve sovereignty and statehood for the Palestinians.

The creation of a sovereign Palestinian state is vitally important for extending a sense of national identity and protects the human and civil rights for all Palestinians. Until then, the Palestinian Authority should preserve freedom and human rights and truly represent the Palestinian people based on pluralism, tolerance and accountability. Ultimately, this may be the answer for the crisis of legitimacy in Palestine. The PA is the property of the Palestinian people, not Israel, and does not belong to the Palestinian political leadership. The preservation of the PA and its continuous survival is no longer a transitional arrangement connected with the peace process. The Palestinian leadership should possess a program based on adopting more democratic measures leading to legitimacy and accountability and preserving Palestinian national rights.

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